

Nauckhoff. Claims 14-16 were indicated as allowable if rewritten so as not to depend from a rejected base claim. Claims 22 and 23 stand allowed. No new matter is submitted. Continued examination is requested.

Rejection under 35 U.S.C. §103

The Examiner has taken the position that the invention claimed in the rejected independent claims (9, 12, 17, and 21) variously including the recitation of “receiving at the reconciling node (or first computer system) ... a second report that originated from a content managing node (or fourth computer system), the second report comprising a value and a payee identifier” is made obvious by the combination of *Stefik* and *Nauckhoff*.

None of the art of record taken singly or in any combination teaches or suggests the combination of limitations recited in each of the pending independent claims.

Assuming, for the sake of argument, that the combination did meet the limitations claimed, there is no suggestion apart from Applicant’s disclosure to combine the limitations as taught and claimed by Applicant. Applicant asserts that there is no suggestion to combine the references at least because *Stefik* teaches away from a content managing node that provides a report (e.g., a log of queries) as recited in independent claims 9, 12, and 21. In *Stefik*, “A key feature of the present invention is that usage rights are permanently “attached” to the digital work.” (col. 6 lines 51-52); and “It is fundamental to the present invention that the usage rights are treated as part of the digital work.” (col. 11 lines 33-34). There is no motivation to set up a coordinating node unit according to *Nauckhoff* having a database accessible by two repositories for obtaining common information about usage rights, because benefits of having usage rights permanently attached to the work as taught by *Stefik* would be lost.

There is no motivation beginning with a system according to *Nauckhoff* to combine it with the systems of *Stefik* to obtain methods for reconciling as taught by Applicant. A coordinating node of *Nauckhoff* “retains[s] necessary central control over processes and data ... [and provides] access to information in a database located in the coordinating node” (col. 3 lines 23-29). There is no mention of a database or processes to be coordinated for reconciling in *Stefik*.

A coordinating node according to *Nauckhoff* is not a reconciling node as claimed. A coordinating node has a database while there is no database or database function recited for a

reconciling node as claimed. A reconciling node performs a comparison while nothing about a coordinating node expresses or implies the need for a comparison as claimed.

A coordinating node according to *Nauckhoff* is not a content managing node as claimed. For the purpose of managing access to a digital work as when a content providing node transfers a work to a content requesting node, as claimed, a content managing node has nothing to do with the processes or data on the content requesting node. For purposes of reconciling, there is no message traffic between the content managing node and the content requesting node whatsoever.

Assuming, for the sake of argument, that suggestion could be found, the repositories as taught by *Stefik* in combination with the node units as taught by *Nauckhoff* do not include one or more limitations recited in the pending claims. When any one limitation is wholly absent from the combination of references cited by the Examiner, a rejection for obviousness cannot stand. Limitations that are wholly absent may be more clearly understood from a message diagram of systems and methods according to Applicant's disclosure and a message diagram of systems and methods according to *Stefik*.

Applicant encloses FIG. A as an aid in understanding the claimed invention. Support for what is shown in FIG. A is described below with reference to the originally filed specification, drawing, and claims. FIG. A is a message sequence diagram showing across the top a rectangle for each entity sending or receiving messages, and showing a list of messages A10-A34 arranged in sequence from a reference time (A10) to a later time (A34). FIG. A presents a scenario that illustrates at least one arrangement of entities and at least one sequence of messages that fall within the scope of the claims. Each entity, each message, alternatives, and equivalents are more fully described in the originally filed specification, drawing, and claims. Other entities, messages, and sequences may also be within the scope of the claims; in other words, FIG. A and the accompanying description below are intended merely to illustrate a message sequence that is within the scope of the claims without defining or restricting the scope of the claims.

A content managing node may provide (A10) a copy of the work at issue to a content providing node. Support is found for example, *inter alia*, at FIG. 2 and page 5 lines 24-28. To transfer a copy of the work to a content requesting node, a content providing node makes a request (A112) of an authorizing node that consequently makes a query (A14) to the content managing node. The content managing node provides authorization (A16) to the authorizing node that consequently sends a permit (A18) to the content requesting node. Support is found

for example, *inter alia*, at page 5 line 39 through page 6 line 8. The content managing node also sends a log of queries (A14, A30) to a reconciling node. Support is found for example, *inter alia*, at page 6 lines 9 through 23.

A content requesting node, in response to receiving a permit (A18) may request a copy of the work from the content providing node (A20) and consequently receive same (A22). The content requesting node may send a report (A24) to an event reporting node that forwards reported information (A26) to the reconciling node. Support is found for example, *inter alia*, at page 6 line 23 through 27.

A reconciling node receives and compares reports (A26) from the event reporting node, reports (A28) from the content providing node, logs of queries (A30) from the content managing node, and logs of debits (A32) from a banking node. Comparison may result in messages (A34) for payments of distribution fees and royalties performed by the banking node. Support is found for example, *inter alia*, at page 6 line 23 through page 7 line 2.

Applicant encloses FIG. B as an aid in understanding the communication described in *Stefik*. FIG. B is a message sequence diagram showing across the top a rectangle for each entity sending or receiving messages, and showing a list of messages B102-B124 arranged in sequence from a reference time (B102) to a later time (B124).

A repository 201 must have an identity and obtains one (B104) by request (B102) of a master repository 204. Similarly repository 203 must have an identity and obtains one (B108) by request (B104) of the master repository. Support is found for example, *inter alia*, at col. 8 lines 4 through 10; col. 13 lines 58 through 67; and col. 27 lines 43 through 67. A repository may obtain a work and obtain rights associated with use of the work from any other repository. Support is found for example, *inter alia*, at col. 4 lines 6 through 13. A repository's actions with respect to a work are controlled by rights to use the work that are attached to the copy of the work at the repository holding the copy of the work. Support is found for example, *inter alia*, at col. 4 lines 13 through 23. Additional rights to use a work may be obtained by request (B110) for an authorization certificate (B112). Support is found for example, *inter alia*, at col. 7 lines 57 through 65.

Repository 203, acting as a requester, requests use of a work (B114). Repository 201, acting as a server, responds to the request for use of a work by deciding whether the requested use is consistent with the rights to use that are attached to the copy of the work held at repository

201. Support is found for example, *inter alia*, at col. 7 lines 19 through 33. If so, both the work and the attached rights to use the work are transferred (B116) to the requester 203. Support is found for example, *inter alia*, at col. 4 lines 21 through 23.

A credit server 301A receives billing information (B118) from repository 201; and receives billing information (B120) from repository 203. Support is found for example, *inter alia*, at col. 7 lines 33- 37. Credit server 301A describes accumulated charges (B122) to a clearing house 303. Credit server 301B describes accumulated charges (B124) to the clearing house 303. Support is found for example, *inter alia*, at col. 8 lines 10 through 21; and col. 17 lines 20 through 61.

The Examiner asserts that a repository performs steps of a method performed by a reconciling node as recited by Applicant. Each possible repository is contrasted with a reconciling node as follows with reference to FIG. B.

A repository in server mode does not perform the methods claimed by Applicant, at least due to the following differences:

- does not perform “receiving ... a first report ... in response to a transaction that provided the digital work ... from a ... node to a ... node”. Repository 201 does not receive reports about transfer B116.
- does not perform “receiving ... a second report that originated from a content managing node”. Only messages B104, B112, and B114 are received and none comprises a payee identifier.
- The rights grammar in *Stefik* has no payee identifier.

A credit server does not perform the methods claimed by Applicant, at least due to the following differences:

- does not perform “comparing the value and the transaction identifier and transmitting ... a message enabling a credit to an account corresponding to the payee identifier, transmitting being in response to comparing”. *Stefik* is silent as to any “comparing” operations performed by a credit server that receives billing information from more than one repository. Assuming, for the sake of argument, that credit servers 301A and 301B are the same one credit server, *Stefik* does not teach or suggest, *inter alia*, “comparing” for the purpose recited by Applicant.

- Messages B118 and B120 are taught to be redundant at col. 7 lines 33-37; col. 17 lines 49-61; and col. 30 lines 31-35.
- The rights grammar in *Stefik* has no payee identifier.

A clearing house does not perform the methods claimed by Applicant, at least due to the following differences:

- does not perform “comparing the value and the transaction identifier and transmitting ... a message enabling a credit to an account corresponding to the payee identifier, transmitting being in response to comparing”. *Stefik* is silent as to any “comparing” operations performed by a clearing house that receives charges from more than one credit server. Messages B122 and B124 are taught to be redundant at col. 30 lines 31-35 where “banking card” is taken to mean a credit server as suggested at col. 17 lines 42-48.
- The rights grammar in *Stefik* has no payee identifier.

Systems and methods according to *Stefik* do not include “comparing ... and transmitting a message enabling a credit to an account corresponding to the payee identifier” as recited by Applicant. The clearing house of *Stefik* merely performs funds withdrawal from the user’s account (e.g., credit card and debit card billing to the user who requested use of the work). There is no mention in *Stefik* of enabling a credit to an account identified to the payee identifier (e.g., posting a payment into an account for distribution fees earned and/or royalties earned).

Systems and methods according to *Stefik* do not include “receiving ... a second report that originated from a content managing node”. As recited in the claims, a content managing node is at least a node different from a content providing node and a content receiving node.

Systems and methods according to Applicant’s claimed invention provide different and beneficial results not available from *Stefik* or other art of record. Security provided by *Stefik* (mere encryption of rights attached to a work) is less effective than security provided by Applicant’s invention wherein neither the content requesting node nor the content providing node has any knowledge of (and, therefore, cannot access) the data stored in the access authority database (AADB) maintained by the content managing node. Further, the data attached to a work as in *Stefik* does not facilitate payment. The AADB includes the identity of a payee (e.g., an entity or account to whom distribution fees or royalties become due) and payment is facilitated as claimed.

Conclusion

Reconsideration is respectfully requested. Applicant believes the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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MARKED UP VERSION OF AMENDED CLAIMS
SHOWING CHANGES MADE

9. A method for managing access to a digital work, the method for execution by a reconciling node, the method comprising:

receiving at the reconciling node via a network a first report, the first report being provided in response to a transaction that provided the digital work from a content providing node to a content requesting node, the first report comprising a transaction identifier;

receiving at the reconciling node via the network a second report that originated from a content managing node, the second report comprising a value and a payee identifier;

comparing at the reconciling node the value and the transaction identifier; and

transmitting from the reconciling node onto the network a message enabling a credit to an account corresponding to the payee identifier, transmitting being in response to comparing.

17. A method for managing access to a digital work, the method for execution by a first computer system, the method comprising:

receiving at the first computer system via a network a first report, the first report being provided in response to a transaction that transferred via the network the digital work from a second computer system to a third computer system, the first report comprising a transaction identifier;

receiving at the first computer system via the network a second report that originated from a fourth computer system, the second report comprising a value and a payee identifier;

comparing at the first computer system the value and the transaction identifier;

and

transmitting from the first computer system onto the network a message enabling a credit to an account corresponding to the payee identifier, transmitting being in response to comparing.

21. A method for managing access to a digital work, the method for execution by a reconciling node, the method comprising:

3 receiving at the reconciling node via a network a first report, the first report being
4 provided in response to a transaction that provided the digital work from a content providing
5 node to a content requesting node, the first report comprising a transaction identifier;

6 receiving at the reconciling node via the network a second report that originated
7 from a content managing node, the second report comprising a value and a payee identifier;

8 comparing at the reconciling node the value and the transaction identifier; and
9 transmitting from the reconciling node onto the network a message enabling a

10 credit to an account corresponding to the payee identifier; wherein:

11 transmitting is in response to comparing;

12 the first report comprises indicia of a difference, the difference prepared in

13 accordance with a start report originating from the content requesting node and a summary report
14 originating from the content requesting node; and

15 receiving the first report comprises receiving via the network a plurality of
16 records and determining the first report in accordance with a record of the plurality.

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